

From: Bolen, Brittany

Sent: Friday, July 13, 2018 12:31 PM

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Subject: CRA Follow-Up

Colleagues,

I wanted to follow up with you regarding the Congressional Review Act (CRA) and to clarify our understanding of what to send to the Hill and GAO under the CRA.

The current plan is to send:

- Final rules other than those (1) of particular applicability or (2) related to agency management or personnel or (3) related to agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.
- Final guidance that is intended for external audiences and implements, interprets, or prescribes law or policy. This is not limited to documents styled as "guidance" and could include other types of documents (memos, policies, etc.). The documents may be addressed to EPA recipients but implement or interpret requirements on external parties. For example, we recently sent the OAR memo that withdrew the "once in always in" policy to the Hill and GAO under the CRA.

We anticipate that what is sent under the CRA may continue to evolve as our understanding of the CRA requirements is refined. However, we intend to rely on the program offices to determine which documents should be sent under the bullets above. If your office has guidance documents from this administration to send under the CRA, please identify them by **July 27, 2018**. Details regarding how to submit guidance documents to OP for transmittal in accordance with the CRA will be sent to your staff shortly.

Please let me know if you have any questions, or your staff can contact Bill Nickerson in OP at nickerson.william@epa.gov or (202) 566-0326. I appreciate your cooperation with this new process.

Thanks,

Brittany